

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE OMNICOM GROUP INC. ERISA LITIGATION

CIVIL ACTION NO.: 20 CV 04141 (CM) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court is Defendants’ letter-motion seeking an order compelling Plaintiffs to produce documents relating to their investments outside the Omnicom Group Retirement Savings Plan (the “Non-Plan Investments”) (ECF Nos. 84–85 (the “Motion”)). Pursuant to the discovery conference held today, April 20, 2022, the Court orders as follows:

1. The Court finds that the circumstances of this case are analogous to those in Krueger v. Ameriprise Fin., Inc., No. 11-cv-2781, slip op. at 8–10 (D. Minn. Aug. 15, 2013), and In re: YRC Worldwide, Inc. ERISA Litig., No. 09-2593-JWL, 2011 WL 13232507, at \*2–3 (D. Kan. Mar. 4, 2011), namely, the pendency of a class certification motion and Plaintiffs’ allegations placing their sophistication and contemporaneous Non-Plan Investments at issue. (See, e.g., ECF No. 54 ¶¶ 33–38).
2. Defendants’ Motion is therefore GRANTED to the extent that Plaintiffs must produce:
  - a. Information concerning their Non-Plan Investments during the same period each Plaintiff, respectively, invested in the Omnicom Plan; and
  - b. Information concerning Plaintiff Surfina Adams’ Non-Plan Investments immediately following her departure from the Omnicom Plan.

Dated: New York, New York  
April 20, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge